



Linda S. Adams  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Central Coast Region



Arnold Schwarzenegger  
Governor

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August 3, 2007

Paavo Ogren, Deputy Director  
San Luis Obispo County Department of Public Works  
County Government Center, Room 207  
San Luis Obispo, CA 93408

Bruce Gibson, Supervisor  
Room D-430  
County Government Center  
San Luis Obispo, CA 93408

Dear Messrs. Ogren & Gibson:

### COASTAL DEVELOPMENT PERMIT, LOS OSOS WASTEWATER PROJECT

We understand through discussion with Mr. Ogren that Coastal Commission staff has notified County staff that the Coastal Development Permit (CDP) for the Los Osos wastewater project will expire on August 11, 2007, and that County staff does not intend to request an extension. This would be contrary to our understanding of keeping all options on the table as you move towards completion of a wastewater project in Los Osos, for several reasons:

1. The permitted project is ready to go, and can proceed with permits in hand if the County finds it is the best alternative. If the permit expires, some past work will likely need to be redone under a different set of Coastal Commission rules, opening up exposure to litigation, which likely translates into millions of dollars of extra cost.
2. The County is still considering the permitted project as a viable alternative at this time. As such, requesting an extension for all the extant permits (and save work/cost that went into gaining those approvals) go hand in hand. Just as the County is keeping the plans and specs for the collection system, the County should also attempt to retain the CDP.
3. Even if a different project is pursued, some components of the prior project's permit could be used/modified at great savings in cost and time (i.e., collection system, pump stations, disposal, etc.). This opportunity will be lost if the permit expires.
4. The permitted project provides incentive to move forward on any project (even if only as an alternative for those who are against the permitted project).

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5. If the permit is allowed to expire, the delay could be several years, with concurrent inflation for an already expensive proposition; thus further delaying the resolution of Los Osos' wastewater management problems.

We recommend the County at least request an extension of the Coastal Development Permit until a decision is made about what project will proceed. We understand that Coastal Commission regularly entertains one-year extensions.

We understand that County staff is concerned that by assuming Los Osos Community Services District's (LOCSD) Coastal Development Permit, the County may assume liability for some of the work already completed under the permit. Assembly Bill 2701 was specifically designed to shelter the County from the LOCSD's liabilities, and we believe this protection may extend to transfer of the Coastal Development Permit. The County should at least request an extension and state that it in doing so, it is not assuming liability for the site work mitigation unless that site is actually used for the project (because if the previous project is again selected, the County's project will need to include the same mitigation measures). In this manner, the CDP would only have to be revised to the extent that the proposed project is revised; the remaining permitting work would not have to be redone, saving time and expenses.

The Water Board sincerely appreciates the County's recent efforts and would like to continue working cooperatively with the County to solve Los Osos' wastewater problems. Please call Matt Thompson at (805) 549-3159 or myself (805) 549-3140 if you have any questions.

Sincerely,



Roger W. Briggs  
Executive Officer

Cc:

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